



*John T. Aubberger  
Supervisor*

# **TOWN OF GREECE**

## **PLANNING BOARD MINUTES**

**MAY 5, 2010**

**THE MEETING BEGAN AT 7:00 P.M.**

### **PRESENT**

Alvin I. Fisher, Jr., Chairman  
Alfred S. Ancello  
Christine R. Burke  
Grace L. Plouffe  
Stephen M. Savage, P.E.  
William E. Selke  
Michael H. Sofia  
Christopher A. Schiano, Deputy Town Attorney  
Scott R. Copey, Clerk of the Planning Board  
John Gauthier, P.E., Associate Engineer  
Linda R. Lamb, Planning Board Secretary

### **ABSENT**

### **ADDITIONS, DELETIONS AND CONTINUANCES TO THE AGENDA**

### **ANNOUNCEMENTS**

Board Training – 5/18/2010 5:30 – 6:30 pm  
**rescheduled to 6/1/2010 5:30 – 6:30 pm**  
"Greece Historic Preservation Ordinance and  
Commission Overview"

Mr. Savage announced his resignation from the Planning Board,  
effective May 7, 2010.

PLANNING BOARD MINUTES  
MAY 5, 2010

**PUBLIC HEARINGS**

None

**SITE PLAN REVIEW**

**Old Business**

**1. Applicant: Benderson Development Company, LLC**

Location: 3188-3196 Latta Road (near northwest corner of Latta Road and Long Pond Road)

Request: Site plan approval for a proposed retail/restaurant plaza (54,322± square feet), with related parking, utilities, grading, and landscaping on approximately 9.487 acres

Zoning District: BR (Business Restricted)

Mon. Co. Tax No.: 045.03-1-9 and -10

**The following is a synopsis of the discussion pertaining to the above-referenced request:**

James Boglioli, Esq., and Matt Oates, Benderson Development Company, LLC, and Robert Koegel, Esq. presented the application.

Mr. Boglioli: I am attorney for Benderson Development Company, LLC here tonight seeking approval for this project.

Mr. Fisher: Before we proceed, one of the items is your request for me to recuse myself. I have prepared a letter which I will share with the Board, and I have a copy for you.

"May 5, 2010

TO: Town of Greece Planning Board

On April 5, 2010, Mr. James Boglioli of Benderson Development Company asked for a response on a request to recuse myself from discussions on the pending Latta/Long Pond development that is currently before the Planning Board.

One of the most important responsibilities of the Town of Greece Planning Board under State Environmental Quality Review Act (SEQRA) is to determine the impact of a new development on public safety. This is accomplished in part by soliciting and evaluating comments from responsible public agencies. One of those agencies is the Monroe County Department of Transportation (MCDOT). The town referred the Latta/Long Pond development to them for comments. On January 9, 2009, Cindy Ziarko received an email from Brent Penwarden, MCDOT. He said "I understand that Ricci's now wish to have cross access but want full access. Unfortunately, neither the Town or us wish to have full access that far south. Only if it is far enough north to get close to the southbound queuing limit would we consider it, and the full access is located just beyond that point. So the bottom line is we would love to have cross access with Riccis, but if they will not agree without full access, so be it. Their customers only made lefts in or out 5 each in peak hours here, so it is not a big hardship. Also with the cross access they would have access to Wegmans' signal to the west and full access to the north." In the January 27,

PLANNING BOARD MINUTES  
MAY 5, 2010

2009 letter to the Town of Greece, the MCDOT allowed full access at the same point referred to in the January 9, 2009 email. As part of the site plan approval process, the Town of Greece Planning Board can override an access decision by the MCDOT. It is important in making our SEQRA determination to understand why the MCDOT made a decision counter to the Town of Greece Traffic Advisory Committee recommendation and counter to the December 2009 traffic study. To that end, I sent an email to Brent Penwarden, MCDOT on February 14, 2009 detailing our questions and concerns. I also informed him of a new 300 unit senior citizen housing behind the southeast corner of Latta/Long Pond whose residents would be drawn to this development. On April 15, 2009, I sent a follow-up email since I had not received a reply to the February email. I ended my email by saying, "We will have our next public hearing on this development on May 6, 2009. I would appreciate a response to the issues I have raised so that we can have a complete discussion at this public hearing." I received a response later that day stating "We have reviewed your correspondence relative to the Long Pond/Latta Retail Development and the MCDOT continues to stand behind our previously stated position of allowing the full southerly access for the development with the conditions outlined in our January 27 letter to the town. There was no discussion of the issues that were raised. After our January 6, 2010 meeting, it was apparent there was frustration at not getting any substantive information from the MCDOT. So they would understand the issues, I sent a copy of our January 6, 2010 meeting minutes and copies of my previous emails to MCDOT and their response to Jerry Helfer, the Assistant County Executive and Maggie Brooks, the County Executive. Jerry Helfer, said that he would ask the head of the MCDOT to review the information I provided and the new information being developed by the applicant. On April 5, 2010, the town received an email from Brent Penwarden of the MCDOT in which he explained his reasoning in granting the access. That is what I was looking for in my earlier inquiries. He also offered a change, which would allow for the possibility of a protected left turn. This was a positive alternative that could be considered by the Town of Greece Planning Board.

The town had forwarded the site plan to the New York State Department of Transportation (NYS DOT) for their comments. This is another agency that we look to for comments to be used in our SEQRA review. We have received their comments on the initial proposal on March 24, 2008. When the site plan changed, I requested that Scott Copey send them a revised site plan for their comments. David Goehring was very open in answering and explaining his conclusions. When I had a question about the alternative of moving the entrance to the north, he provided his comments and explanations.

The information provided by SRF Associates was at times conflicting, and required additional explanations. In the December, 2007 traffic study, they recommended protected left turns at the southerly entrance. Since the entrance was opposite the existing southbound left turn lane they recommended right in/right (RIRO) out restriction for that entrance. In a November 18, 2008 memo, they assessed the feasibility and safety of the proposed right in/right out only driveway. They said, "It is our conclusion that the proposed RIRO driveway should be approved as proposed based on the following: the driveway location exceeds minimum MCDOT spacing requirements; the driveway can be designed to physically limit the undesired left turn movements and; conflicts between the proposed RIRO driveway and

PLANNING BOARD MINUTES  
MAY 5, 2010

the existing Ricci's Plaza driveway will be minimal given the very low volume of left turns exiting the Ricci's Plaza driveway."

The current analysis by SRF dated March 1, 2010 draws the opposite conclusion. On page 11 of their December 2007 traffic report, SRF states that a northbound left turn lane is warranted during all three peak periods under full development conditions. The Transportation Research Board's Report 279 was cited for that conclusion. In figure 8, the left turn volumes were listed as 18 vehicles per hour for AM peak, 56 vehicles for PM peak, and 58 vehicles for the Saturday peak. The northbound Long Pond through traffic was listed as 829 vehicles per hour and 730 vehicles per hour for the Saturday peak. In the March 1, 2010 traffic report, the left turns are listed on page 8 as 24 vehicles per hour for AM peak, 31 vehicles per hour for the PM peak, and 36 vehicles per hour for the Saturday peak. Each of these left turn rates are substantially greater than the 12 vehicles per hour that require a left turn lane yet the left turn warrants are not mentioned.

It is important that the Planning Board has complete information with which to make our SEQRA determination. When interested agencies provide conflicting information, their reasons for reaching the final conclusion are necessary for the Planning Board to fulfill their responsibilities. My job, as Chairman of the Town of Greece Planning Board, is to insure we have the information necessary to protect the safety of the residents of the Town of Greece. Based on these facts, I will not recuse myself from this application."

Do you want to proceed?

Mr. Boglioli: While I disagree, I will proceed with the application at this time. When we were before the Board in January, there were two issues remaining. One was the Canandaigua National Bank and the access with respect to that portion of the project site. We have moved that to Phase 2 of the development and will come back to the Planning Board with that site layout. The only remaining issue at the last Planning Board meeting was this driveway, proposed to be full access, serving both Ricci's Plaza and ours. Just to give you some background, since the Chairman went through some history, when these were submitted in February 2008 we were proposing at 80,369 square feet. That was the basis for the 2007 report. We were additionally proposing three curb cuts for the site; now we are proposing two. At that time, the southerly curb cut, which is the third curb cut, was proposed to be right-in, right-out ("RIRO"), and that was the one discussed in 2007 – more square footage and an additional curb cut. There was no cross access between Ricci's and our plaza at that time. In April 3, 2008, the MCDOT issued a letter: "Our position is a cross access should be pursued to the south on Long Pond Road as well as to the west on Latta Road. 2. In conjunction with #1 above, we would like to see the southernmost access on Long Pond Road closed and shared access moved further north." In June 2008, we reduced the size of this project from 80,000 square feet to 67,000 square feet, a reduction of almost 20,000 square feet, which does change the traffic. This explains different traffic studies as we moved forward. In addition, the northerly full access curb cut was removed from the site and changed to a RIRO; that eventually was removed completely from the site. The southerly Benderson curb cut, now full access, combined with the Benderson project and Ricci's. So we have a curb cut up at the north end of the site that was full access and changed to RIRO, and the southern curb cut was changed to full access. The number of curb cuts was reduced. A supplemental traffic report was submitted in June 17, 2008. After that, Ricci's agreed to cross access and a combined full access driveway. SRF Associates issued a supplemental report speaking in favor of the two curb cuts. We appeared before this board in January 2009, at which time additional referrals were presented in favor of the project. We then resubmitted the project in December 2009 and

PLANNING BOARD MINUTES  
MAY 5, 2010

that is what is before the Board now. We appeared before the Board in January 2010. At that time another study was requested of the two curb cuts proposed, and a copy of that report be provided to the MCDOT, the New York State Department of Transportation (the "NYSDOT"), and the Greece Traffic Advisory Council (the "TAC"). On March 1, 2010, SRF Associates submitted that study and concluded that the full access driveway was the preferred and safer option. As required by this Board, the study also was submitted to the MCDOT, the NYSDOT, and the TAC; we provided those responses. On March 18, 2010, the MCDOT, again for the third time, issued a letter supporting the full access driveway. On March 18, the TAC also recommended in favor of the full access driveway. On April 20, the NYSDOT recommended in favor of the full access driveway. On the subsequent report that this board required, all traffic reviewers commented in favor. All indicated this to be the safer alternative. After that, we again were asked to work with the Town to see if there was anything else that could be proposed to improve the situation. On April 5, 2010, the MCDOT and the NYSDOT again found in favor of Benderson, but added that they would allow Benderson to re-stripe a portion of the roadway, providing refuge for northbound left turns at the full access curb cut to be shared by Benderson plaza and the Ricci's plaza; Benderson agreed to make those changes. On April 13, 2010, the TAC issued a second memo supporting the left turn lane and this driveway. So, since our appearance in January, we have had a new traffic study and all the agencies support that study. We are asking the Board to approve this project tonight.

Mr. Selke: You regenerated these turning lanes at this intersection. Do you have a sketch of those turning lanes? I'd like to see the distance from Latta Road to the turning lane and how many cars can stack up on those lanes.

Mr. Boglioli: It's on the site plans. We will be stacking one car in that northbound left turn pocket.

Mr. Oates: The striping and the area was determined by the MCDOT. There will be 20 feet to the south of the shared Benderson/Ricci's driveway. The MCDOT asked us to move southward the "Stop" bar for southbound Long Pond Road vehicles at Latta Road, so that it would be about a foot north of the crosswalk. There currently is a gap between the "Stop" bar and the crosswalk, and they want to use the space that's recovered from the reduced gap to help create the space for the new northbound left turn pocket. From this "Stop" bar north to the new, shared curb cut, it's about 180 feet. There also will be an arrow striped in there for the new northbound left turn lane. There will be other changes to striping and traffic signals, which were submitted as full engineering plans to the MCDOT, the NYSDOT, and the Town.

Mr. Sofia: Canandaigua National Bank is not proposed today. Will the all the curb cuts and cross access be done with this phase of the project?

Mr. Oates: Yes.

Mr. Selke: They have improved this corner with the cross access between Ricci's and the plaza to the west.

Mr. Copey: At this point, the Town staff is in agreement that we have a project that is ready to be approved. Late today, we received an e-mail from Brent Penwarden of the MCDOT, which stated that they had reviewed all the information relative to access and the contract between Monroe County and Benderson for possible future modifications to the shared Benderson/Ricci's curb cut. The County determined that this contract must be signed by both Benderson and the Tasciones (owners of Ricci's); because the Tasciones are proposed to be the future owners of the parcel on which the access is contained. The County also wants the contract to be specific to the parcel, filed in the County Clerk's Office, and it is to run with the land. If the parcel ever were sold, the contract would be binding to

PLANNING BOARD MINUTES  
MAY 5, 2010

the new owner. Benderson is requested to draft the contract and submit it to the County for review. Cross access easements must be filed prior to final site plan signatures. Condition 5 calls for another traffic study to be conducted no more than one year after the certificate of occupancy has been issued for Walgreens. That study will be submitted to the MCDOT. If it were determined that mitigation was necessary, the applicant agrees to be responsible for implementing such mitigation as deemed necessary by the MCDOT. The Town's Fire Marshal has required that the entire proposed water line loop be constructed in Phase 1.

Mr. Gauthier: Our comments submitted were of a minor nature. Did you have any concerns with our comments?

Mr. Oates: No. We have addressed your comments and prepared revised plans for submittal to you.

Mr. Gauthier: (Gave a copy of a May 3 comment letter to Mr. Oates.) These can be taken care of during the pre-Mylar review.

Mr. Selke: Is Tim Hortons off this site now?

Mr. Oates: Yes.

Mr. Fisher: The point made before was the MCDOT and the NYSDOT had a fair amount of time to make the driveway access the best that it can be. It has been characterized as being able to hold a single car.

Mr. Copey: Possibly two cars, with the movement of the "Stop" bar on Long Pond Road at Latta Road.

Mr. Selke: How do you feel about the proposed Condition #5 requiring a follow-up traffic study?

Mr. Boglioli: We have agreed to that.

Mr. Fisher: The Planning Board has responsibility for site approval and for the design of the entrance. The NYSDOT may worry about the road, but we ought to be involved in that traffic review. We have reviewed a follow-up traffic study for other site plans. That is a site plan process, not a road process. I think that we ought to be involved in the follow-up review as part of the site plan review process.

Mr. Boglioli: We object to that and would not accept that as part of the condition. The MCDOT is the agency that issues the permit for the curb cut. We have agreed to give them a study and provide mitigation if they deem it necessary. The Board does not have jurisdiction over this. The MCDOT has the authority as the independent reviewing agency.

Mr. Selke: Would you object to our providing comments?

Mr. Boglioli: We would provide you with a copy of the study and you are free to make whatever comments you want to the MCDOT; however, the MCDOT has the final say over the curb cut.

Mr. Copey: So, you would agree to provide the study at whatever time the MCDOT requests and providing a copy of that study to the Town?

Mr. Fisher: But it is our responsibility. The site plan is our responsibility and we have exercised it in the past. We have had applicants come back to do a study, and based on that have made a change to the entrance.

Mr. Copey: I will read what I think you have said that you would agree to: "As offered and agreed to by the Applicant, at a point in time not less than six months, and no more than

PLANNING BOARD MINUTES  
MAY 5, 2010

one year after construction of the proposed Walgreens, the Applicant shall provide to the MCDOT and the Town of Greece, an updated traffic study."

Mr. Koegel: You are just inserting the Town of Greece as a recipient of a copy of the study.

Mr. Copey: Yes, and the rest of the condition will remain as is. Nowhere in there will it read that you have to do what the Town of Greece asks; however, we do want to have the opportunity to review the study, which the MCDOT would provide to us anyway.

Mr. Koegel: That is acceptable.

**Motion by Mr. Selke, seconded by Ms. Plouffe**

WHEREAS, Benderson Development Company, LLC (the "Applicant") has submitted a proposal to the Town of Greece Planning Board (the "Planning Board") for approval of the site plan for retail development, as more fully described in the minutes of this public meeting (the "Proposal"), relative to property located at 3188-3196 Latta Road, near the northwest corner of Latta and Long Pond Roads (the "Premises"); and

WHEREAS, the Planning Board makes the following findings:

1. Upon review of the Proposal, the Planning Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes an Unlisted action under SEQRA.
2. The Planning Board has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Planning Board's consideration.
4. The Planning Board carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Planning Board carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Planning Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the New York State Department of Transportation, the Monroe County Department of Planning and Development, the Monroe County Department of Environmental Services, the Town of Greece Environmental Board, and the Town's own staff.
7. The Planning Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Planning Board as of this date.

PLANNING BOARD MINUTES  
MAY 5, 2010

8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Planning Board has met the procedural and substantive requirements of SEQRA.
10. The Planning Board carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Planning Board carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Planning Board concurs with the information and conclusions contained in the Environmental Analysis.
13. The Planning Board has made a careful, independent review of the Proposal and the Planning Board's determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Planning Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Planning Board determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Savage</b>	<b>- yes</b>
	<b>Burke</b>	<b>- yes</b>	<b>Selke</b>	<b>- yes</b>
	<b>Plouffe</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- no</b>

**MOTION CARRIED**  
**SEQRA DETERMINATION**  
**NEGATIVE DECLARATION**

---

**Mr. Selke then made the following motion, seconded by Ms. Plouffe, to approve the Proposal, subject to the following conditions:**

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.



PLANNING BOARD MINUTES  
MAY 5, 2010

2. Approval is granted for Phase 1 of construction, as indicated on the approved plans. Construction of improvements in subsequent phases, or changes in Phase 1 improvements, shall require additional approvals as necessary.
3. The Owner of the Premises shall file a memorandum of development restrictions in the Office of the Monroe County Clerk. Such memorandum shall acknowledge that the Premises are subject to the terms and conditions of this Planning Board approval, and that such conditions are binding on all current and future owners of the Premises.
4. The Applicant has secured final, executed easements for cross access and shared access between the Premises, including all future subdivisions, and adjoining properties located at 3166-3180 Latta Road (tax account # 045.03-1-6.1) and 3208 Latta Road (tax account # 045.03-1-11). Such easements shall be filed in the Office of the Monroe County Clerk prior to final Planning Board approval signature on the site plan.
5. As offered and agreed by the Applicant, at a point in time not less than six (6) months, and not more than one (1) year after construction and issuance of a Certificate of Occupancy for the proposed Walgreens, the Applicant shall provide to the Monroe County Department of Transportation (the "MCDOT") and the Town of Greece an updated traffic study, which shall include: (1) a level of service analysis for the southerly, combined driveway on Long Pond Road; (2) a level of service analysis for Long Pond Road at the southerly, combined driveway; (3) an accident analysis for the southerly combined driveway on Long Pond Road; and (4) a queuing analysis for the southbound, Long Pond Road traffic as it affects the southerly combined driveway on Long Pond Road. Said study shall be prepared by a qualified traffic engineer and shall include recommended mitigation measures, if necessary. The Applicant also agrees to be responsible for implementing any such mitigation deemed necessary by the MCDOT pursuant to its contract with the MCDOT regarding the same. This condition of the Planning Board's approval shall in no way be construed to prevent the MCDOT from requiring studies and/or mitigation measures pursuant to its agreement with the Applicant at any other point in time.
6. Upon completion of the construction of the storm water management pond, the Applicant shall provide certification that such pond was constructed as designed and approved. Such certification shall be provided in the form of an as-built topographic survey with pertinent utility structures shown, prepared by a New York State Licensed Land Surveyor. No final approval signatures shall be placed on the site plan unless and until the Applicant has submitted to the Town a financial guarantee (such as a letter of credit, certified check, or other acceptable instrument), in an amount approved by the Town's Commissioner of Public Works and the Town Attorney, that is sufficient to properly construct the proposed pond, and to provide the aforementioned certification. No release of such financial guarantee shall be made unless and until the improvements and certification are completed to the satisfaction of the Town's Commissioner of Public Works and the Town Attorney.
7. No final Planning Board approval signature shall be added to the plans unless and until the Storm Water Pollution Prevention Plan Acceptance Form has been signed by the Town's Storm Water Management Officer.
8. No building permits shall be issued unless and until the Applicant executes a Storm Water Facility Maintenance Agreement for maintenance of the proposed storm water management pond. Such agreement shall be subject to approval by the Planning Board's Attorney and the Commissioner of Public Works.

PLANNING BOARD MINUTES  
MAY 5, 2010

9. No final approval signature shall be placed on the plans unless and until easements for public utilities and drainage shown on the plan, the Storm Water Facility Maintenance Agreement, and the Memorandum of Development Restrictions required in this resolution have been prepared and provided to the Town for review.
10. No building permits shall be issued unless and until the appropriate easements and/or agreements, including all necessary map references, have been filed in the Office of the Monroe County Clerk. The Liber and Page of easement filing shall be referenced on final as-built record drawings provided to the Town.
11. The entire proposed water line loop shall be constructed in Phase 1 of the development of the Premises.
12. Any Town of Greece approval or permit for the Premises does not relieve the Applicant, developer, or owner of the Premises from obtaining all other town, county, state, or federal government approvals or permits that are required for the Premises. A note that indicates this requirement shall be added to the plan.
13. Addresses for each building shall be added to the plan.
14. The exterior appearance (that is, materials, colors, and architectural style) of the proposed Walgreens building shall be the same on all sides of the proposed building. As offered and agreed by the Applicant, such materials and colors shall be brick (in the red-brown color family) and split-faced block (in the gray color family), with white trim and asphalt roof (in the black color family). Elevations of the exterior appearance shall identify these colors and materials, shall show all sides of the proposed building, and shall be filed with the site plan.
15. All heating, ventilation, and air conditioning (HVAC) equipment shall be screened from public view. If the HVAC equipment will be roof-mounted, the screening for such HVAC equipment shall be visually compatible with the proposed building(s), and shall be shown on the architectural elevations of the building(s). If the HVAC equipment is or will be ground-mounted, its location(s) shall be shown on the site plan. Evidence that such HVAC equipment is or will be screened shall be submitted for review and approval by the Clerk of the Planning Board prior to affixing the Planning Board approval signature to the site plan.
16. The landscaping on the Premises shall be maintained by the current owner of the Premises, and by any future owner. The owner of the Premises shall replace any dead plants with the same species or a similar species. The replacement plant shall be no smaller than the previous plant when it originally was installed. A note that indicates these requirements shall be added to the plan.
17. Prior to the issuance of a Final Certificate of Occupancy for the Premises, the Applicant shall provide certification verifying proper installation of landscape areas on the site in accordance with the landscape plan approved by the Planning Board, and in accordance with the Town's Landscape Guidelines for Development. Such certification shall be on the certification form provided in such guidelines and shall be completed by a New York State Licensed Landscape Architect. A note that indicates these requirements shall be added to the plan.
18. Light spill shall be contained on the Premises. Outdoor light sources shall be aimed or shielded so that they are not visible when viewed from off the Premises, and so that light spill is cast only downward onto the Premises. Exempt from this requirement are low-wattage or low-voltage lights that are located near the principal entrance to a building, and low-wattage or low-voltage lights, not higher than 42 inches above grade, that define a walkway or other access to a building. A note that indicates this requirement shall be added to the plan.

PLANNING BOARD MINUTES  
MAY 5, 2010

19. No building permits shall be issued unless and until a digital copy of the plans has been submitted. All sheets in the drawing set, with all necessary signatures, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
20. The locations of the designated fire lanes shall be shown on the site plan.
21. The locations of all exterior doors shall be shown on the plan. All exterior doors shall be connected by a sidewalk to a fire safety zone that is acceptable to the Town's Fire Marshal.
22. Prior to the commencement of any aboveground construction, suitable access roads and temporary street signs shall be installed and maintained so as to provide continuous access for fire department and other emergency vehicles. A note that indicates these requirements shall be added to the plan.
23. Permanently mounted "No Parking – Fire Lane" signs shall be posted along the fire lanes at intervals of 50 feet or less. A note that indicates this requirement shall be added to the plan.
24. Subject to approval by the Town's Fire Marshal, Chief Engineer, and Commissioner of Public Works.
25. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include any successors and assigns.
26. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
27. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Savage</b>	<b>- yes</b>
	<b>Burke</b>	<b>- yes</b>	<b>Selke</b>	<b>- yes</b>
	<b>Plouffe</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- no</b>

**MOTION CARRIED**  
**APPLICATION APPROVED**  
**WITH CONDITIONS**

---

PLANNING BOARD MINUTES  
MAY 5, 2010

**New Business**

**1. Applicant: Bayfront Ventures/SB Ashley LLC**

Location: 700 Pond View Heights (off 225 Long Pond Road)

Request: Site plan approval for 77 town home style apartments, with related parking, utilities, and landscaping on approximately 10.5 acres.

Zoning District: RMH (Multi-Family Residential)

Mon. Co. Tax No.: 034.01-1-2.1

**The following is a synopsis of the discussion pertaining to the above-referenced request:**

Jess Sudol, Passero Associates, and Mark Stevens, SB Ashley LLC, presented the application.

Mr. Sudol: We are here tonight to obtain approval for 77 townhouse-style apartments. By that we mean that they are townhouses, but this is a rental project. The site is located on the northwest side of Long Pond Road and just to the north of the Lake Ontario State Parkway. These plans are a culmination of two years' work. We were looking to design something that would work well within the site and complement the existing project. We started off with studying woodlots; a wetland delineation was performed. We went through a dozen different site and building layouts, and we met with all the County agencies involved. We reviewed this project with the Town's Development Review Committee and then were before this Board two month's ago with a concept review. I want to get into some site characteristics and statistics. One of the most important factors has been the density of the site. We do not want to jam the site full of units. In this zoning district, you are allowed to have up to 10 units per acre. The site being 10.5 acres would conceivably allow us to have 105 units on this parcel. The neighboring parcel, Long Pond Shores, is 23 acres with 256 units. As a result of this current project being less dense, we end up with a lot more green space. The road layout was well thought out. We added roadways parallel with the shoreline, which allowed us to position our buildings so that they had nice views of Long Pond. The roads also follow the contours of the site. The site starts up high and slopes down about 10 feet to the water's edge. We end up with a tiered effect where the units up on top can still see out to Long Pond. Another component of this design is a second access into the project. The new Long Pond Road access will be parallel to the neighboring Bernard's Grove restaurant property. When we came for concept review, one of the questions was how was this driveway going to affect neighboring homes. We took your concerns to the Monroe County Department of Transportation (the "MCDOT"). They indicated that what we were doing made sense and that there was enough separation between our new access and the neighboring access to Bernard's Grove. The Town's Department of Public Works (the "DPW") had a couple of comments, which we have addressed in our new design. The intersection in the middle of the project now will be a four-way intersection, where it had previously been two "T" intersections offset by about 100 feet; we have brought those together. A comment provided related to the intersection at the complex's community center. We are going to reconstruct that area completely so that we have a "T" intersection. You will come straight into the project and when you get to the community center, there will be a "Stop" sign and you will turn right into the new project or turn left to the existing complex. The 77 units during the peak traffic time (4:00 p.m. to 6:00 p.m.) generate about 48 cars per hour, less than one car per minute. Regarding the building design, we put a lot of thought into the orientation of the buildings. The living space within the buildings has been oriented to take advantage of the views of

PLANNING BOARD MINUTES  
MAY 5, 2010

Long Pond. We have two different unit styles. The villa is a two-bedroom unit with a partial second floor. The townhouses are two-story, with three bedrooms upstairs. There will be varying configurations of these buildings. Some will be villas side by side, some will have a villa on each end and two townhouses in the middle, and everything in between. This avoids visual monotony on the site. We placed some of the villas lower on the site, near the water, so that other units will have the view to Long Pond. We have brought some of the materials we will be using on the buildings. (Showed samples to the Board.) The last thing that I want to speak about on the units is the garage. We anticipate residents, in a location such as this, wanting to be involved in the outdoors. We have designed a 6-foot by 6-foot storage area right in the garage of the townhouse for extra storage for bicycles, kayaks, etc. The villas do not have the storage area; but if you look at the garage, it is about six feet deeper than a normal garage. This was done intentionally because we do not want these items spilling out onto the site. The focal point is down near the boat launch, where we are proposing a small pavilion and parking lot upgrades. We have taken the internal walking trail system and focused it down to this area so that all residents can use it. We also have a passive recreation area (seating area) in the middle of the courtyard. We will have community mailboxes in three to four areas with the trail system going to them. We have striped out an area near the mailboxes for the residents who drive to get their mail. We also created some overflow parking. Right now, the zoning code calls for 1.75 parking spaces per unit, and we have two at each unit: one in the garage and one in the driveway. We monitored the parking at the existing townhouses to determine what would be needed here. Currently, they have less than two parking spaces per unit and there isn't a problem. We are comfortable with our approach. We planned a variety of landscaping throughout the project. We will have street trees and foundation plantings at each building. We will have enhanced landscaping at our storm water management areas. To expand on our storm water management plans, we realized early on that Long Pond is an impaired water body, which means that the amount of phosphorous exceeds the amount of daily loads set forth by the New York State Department of Environmental Conservation (the "NYSDEC"). Long Pond is listed as an impaired water body; this translates to specific guidelines that we must follow. One of the best ways to treat the phosphorous problem is to use a filtering system. This storm water management system will not look like anything that you have seen. It will have a garden with plantings on top of the soil, which has the filtering system below. In addition, we have provided some vegetative swales that the water will travel through before it gets to the storm water management system. Additionally, we have reduced the impervious area by making the driveways 25 feet long, instead of 30 feet, and reducing the amount of sidewalks within the site. Although not asked to do so, SB Ashley already has stopped using fertilizer that contains phosphorous. Relative to water and sanitary sewers, they will be private, just as the roads are. One of the comments received from the DPW, had to do with the sanitary sewer. Today, the existing project has a private pump station, which everything drains into, and pumps up to Long Pond Road. The new site is on a separate parcel, with a different tax account number, and we want to use the same pump station. The NYSDEC doesn't allow that without a maintenance agreement between the two parcels, which sets forth the responsibility for the pump, dry well, and everything that goes along with it. Because SB Ashley is the owner of both parcels, it's a bit less complicated, and we are working to get this through the NYSDEC. We have analyzed the existing pump station and spoken with those who maintained it the past 10 years. They indicate that it is in good shape and has the capacity to support the new project. Today, there are three filtering stations down to the traditional wet pond. At the DPW's suggestion, we are going to manicure the pond into the filtering system. We are targeting a mid- to late-summer construction start. One thing that I failed to mention is our neighbors to the east. We have planned to leave a 25-foot-wide buffer so that we are not going right to the shoreline, or impacting the federal wetland. Our neighbors to the north will be buffered by as much

PLANNING BOARD MINUTES  
MAY 5, 2010

vegetation as possible, and have we agreed to plant evergreens where there might be holes in the vegetative buffer; it will be a natural buffer.

Mr. Copey: (Mr. Copey provided addresses for the units assigned by the Fire Marshal and indicated that more discussion will be needed.) The plans were reviewed by the Monroe County Development Review Committee. Most of the comments came from the Monroe County Department of Public Health and related the process to pursue the sharing of the pump station, as discussed earlier. The MCDOT has asked for trip generation at peaks. The Greece Environmental Board requested more information on the storm water management system and asked for protection along the waterfront. The Zoning Advisor asked for more definitive information regarding where the property line is along the water. It is unclear from the drawings as to where the waterside property line is. This will be needed to determine setbacks.

Mr. Sudol: It is right along the water's edge. In talking with my surveyor, his answer was that it is right along the edge, and he would place his certification on it as the boundary.

Mr. Copey: You may have a slight problem there because the minimum setback requirement is 50 feet from the property line and it appears that one spot could be 48 feet; you'll just have to tweak things. When the Planning Board last discussed this project, you thought that you would want this application advertised as a public hearing; that didn't happen for tonight. If the Board wanted a public hearing, we'll have to determine notification requirements. We have enough time to advertise and have the applicant back to the Board at the next meeting, May 19. Sidewalks along the public highway frontage generally are a town requirement for new development; we will have to talk about that as well.

Mr. Gauthier: Jess has addressed all of our issues. If you have an assessment of the pump station, we would like that information, including numbers regarding its capacity. Would you ever consider combining the parcels?

Mr. Sudol: Unfortunately, we cannot combine the parcels. That is tied directly to the financing of the project.

Mr. Gauthier: Have you received positive indications from the NYSDEC that you will be able to obtain their approvals for the pump station?

Mr. Sudol: Yes, we have received a lot of support at the county level.

Joe Wesley, 185 Long Pond Road: I am an adjoining property owner. We have had an opportunity to see and discuss the plans in the hallway prior to this meeting. I just want to say that we are pleased to see what they are doing relative to buffering this site from its neighbors.

Mr. Schiano: Any problems with the driveway location? Are you okay with that?

Mr. Wesley: We talked about it. It looks pretty close, but after seeing it and discussing it, I don't have a concern.

Mr. Fisher: Is there a way to combine those two driveways?

Mr. Schiano: I don't see that working.

Mr. Sofia: Would it be possible to bend the drive away a little bit at the end to provide distance between the two driveways as they exit onto Long Pond?

Mr. Sudol: I think that we can do that and squeeze a couple more feet out of it. We are trying to remain within an existing access easement.

Mr. Schiano: Will there be a "Stop" sign there?

PLANNING BOARD MINUTES  
MAY 5, 2010

Mr. Sudol: Yes, we placed a "Stop" sign.

Mr. Sofia: Will this construction be done in one phase?

Mr. Sudol: Yes.

Mr. Fisher: As to Scott's earlier question about the public hearing, how far do we want to go with notification?

Mr. Sofia: There are no residents across the street or to the south.

Mr. Fisher: The people who are immediately to the west and directly opposite across the pond.

Mr. Sudol: We estimate the distance across the pond to be about a half mile.

Mr. Copey: For rezonings and special use permits, we notify the owners of all properties within 500 feet of the project site. It's definitely more than 500 feet across the pond.

Mr. Sofia: I think that notifying the neighbors 500 feet to the north would be satisfactory.

Mr. Fisher: That should give us a good representative group to obtain any issues that they may have. It's better to hear and address neighbor concerns now, rather than later. You have addressed the pond, which was a big concern that I had. Because this is the first time that we've come up with a filtering system such as this, something has to be in place to monitor it. This is something that will have to be maintained; a plan has to be in place.

Mr. Gauthier: If this were to fail, it would be a silent failing. We will need a requirement for certification of its function. Right now, we don't know how long the filters will last. The manufacturer will have some information and it will be dependent upon the service it receives.

Mr. Sudol: This new process puts the water through several layers of filtering to remove phosphorous and sediment. It comes down about a foot with the plantings to look like a garden; then there are about three to four feet of top soil, peat moss, and stone.

Mr. Gauthier: One of the things that makes this possible is that their discharge is so close to Lake Ontario. It would be silly to have them detain runoff to control water quantity. We have no history with these filtering systems to date, but the requirement will be the same to go back and certify them.

Mr. Selke: I see boats stored in the current complex area. Will you have a storage area on-site for boats?

Mr. Sudol: As part of this project, we no longer will allow boat storage on-site.

Mr. Selke: What lighting will you be providing on the road?

Mr. Sudol: We are going to have building lighting on the garages. We are focusing lighting at the intersections with 14-foot-high residential-type poles, with 150-watt bulbs for safety. We are looking at approximately eight lighting fixtures.

Mr. Selke: You are saying that 2.5 parking spaces per unit will take care of the parking so that there will be no parking in the road. In the boat launch area, will there be enough room for vehicles with a boat on a trailer to back in, and where will they store the trailers once the boats are removed?

Mr. Sudol: Yes, there is absolutely enough parking. Today, when the launch is used, they overshoot the drive and then back in. It's not open to the public, so there aren't a lot of boats being launched.

Mr. Selke: At the four-way intersection, will there be "Stop" signs?

PLANNING BOARD MINUTES  
MAY 5, 2010

Mr. Sudol: We are showing "Stop" signs at two roads where they intersect the main road.

Mr. Fisher: I think that it would be helpful to have lighting at the mail pick-up areas as well.

Mr. Schiano: Is there a gazebo down by the water, or just a pavilion?

Mr. Sudol: Just a 20-foot by 30-foot pavilion, which will not be lighted; it is just a shelter.

Mr. Fisher: Where will they leave their boat trailers once the boats are launched?

Mr. Sudol: They can't leave their trailers there. They would have to take them home or back to their storage places.

Mr. Selke: A vehicle with an empty trailer is going to take up two parking spaces. I think that the Chairman has a point; they probably are going to leave them there. You should consider creating a small space for that.

Mr. Sudol: We probably could put in a half dozen 35-foot-deep parking stalls.

Mr. Copey: How long do you see it taking to get an answer from the NYSDEC on the pump station?

Mr. Sudol: I hope to have an answer next week.

**Motion by Mr. Sofia, seconded by Mr. Selke, to continue the application to the May 19, 2010, meeting.**

<b>VOTE:</b>	<b>Ancello</b>	<b>- yes</b>	<b>Savage</b>	<b>- yes</b>
	<b>Burke</b>	<b>- yes</b>	<b>Selke</b>	<b>- yes</b>
	<b>Plouffe</b>	<b>- yes</b>	<b>Sofia</b>	<b>- yes</b>
			<b>Fisher</b>	<b>- yes</b>

**MOTION CARRIED**  
**APPLICATION CONTINUED**  
**TO MAY 19, 2010**

---



PLANNING BOARD MINUTES  
MAY 5, 2010

**APPROVAL OF PLANNING BOARD MEETING MINUTES**

**Motion by Mr. Savage, seconded by Ms. Burke, to approve the minutes of the April 21, 2010, Planning Board Meeting.**

**ADJOURNMENT:** 8:30 p.m.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_